

## **BATTLE CREEK CITY PLANNING COMMISSION MEETING MINUTES**

**Wednesday, August 25, 2010**

**1. Call to Order:**

Chairman Preston Hicks, called the meeting to order at 4:00 p.m.

**2. Attendance:**

**Members Present:**

Steve Barker	Preston Hicks	Chip Spranger
Susan Baldwin (Mayor)	William Morris	John Stetler
Jan Frantz	Ed Scheinfeldt	

**Members Excused:** John Godfrey

**Staff Present:** Christine Hilton, AICP, Planning Supervisor  
Jill Steele, Deputy City Attorney  
Glenn Perian, Senior Planner  
Leona Parrish, Administrative Assistant

**3. Additions or Deletions to the Agenda: None**

**4. Approval of Minutes: Meeting Minutes of June 23, 2010.**

Commissioner Frantz made note of a correction to page 4 of 7, 4<sup>th</sup> paragraph down should read: *"not unlawful" instead of "not lawful"*.

**A MOTION WAS MADE BY COMMISSIONER MORRIS, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR JUNE 23, 2010 WITH CORRECTIONS NOTED ABOVE. VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED; MOTION CARRIED.**

**5. Correspondence: None**

**6. Public Hearing & Deliberations/Recommendations:**

- A. **Zoning Reclassification (#Z-02-10):** Petition request from Mr. Joel E. Fulton, Fulton Goodwill Enterprises, LLC, 539 Capital Ave. S.W., Battle Creek, MI on behalf of Kerry Jurgens Fowler D.P.O.A., 4760 S. Myrtle Way, Homosassa, FL 34448 for Alyce R. Milan-Hinchey; requesting a Zoning Reclassification of the following described property from "R-1C Single Family Residential District" to "C-3 Intensive Business District" parcel is located on Capital Ave., S.W., Parcel #8440-00-011-1.

Chairman Hicks declared the public hearing for #Z-02-10 open.

Ms. Christine Hilton, Planning Supervisor, reviewed the request; noted that this property has no access from a public right-of-way and that the owner offered the right to the applicant to rezone this property. Ms. Hilton stated the request is consistent with the city's future land use map and the Planning Department is recommending approval.

Mr. Joel Fulton, 28 W. Bidwell St., stated his business is located across the street and he wants to purchase this parcel and combine it with the adjacent parcel. States he will redo the electric and parking lot for students to use on Saturdays.

Commissioner Hicks asked if there was anyone else wishing to speak either for or against this petition, seeing none the public hearing was closed.

**A MOTION WAS MADE BY COMMISSIONER MORRIS, SUPPORTED BY COMMISSIONER SPRANGER TO APPROVE THE ZONING RECLASSIFICATION OF PARCEL #8440-00-011-1 FROM AN R-1C SINGLE FAMILY RESIDENTIAL DISTRICT TO A C-3 INTENSIVE BUSINESS DISTRICT; BASED ON THE FINDINGS PRESENTED IN THE STAFF REPORT.**

**Discussion:**

Commissioner Frantz asked Mr. Fulton if Fulton Goodwill Enterprises was associated with the Goodwill Industries. Mr. Fulton stated no, the name was already taken and he added the "Goodwill" for the community.

Commissioner Morris noted that he goes to Mr. Fulton's business frequently and that it is a good business and thinks this would be a good use for the property as it is connected to a C-3 zone already and would not be spot zoning. Noted the neighbors do not seem to be concerned as they have not submitted any objections to the zoning change.

Mayor Baldwin stated she apologized for being briefly late. Mayor asked if Mr. Fulton had already purchased the adjacent parcel at 548 Capital Avenue S.W.

Mr. Fulton stated said he had not, and plans to be purchasing it on a land contract. He stated that the parcel in question is connected to the rear.

Mayor Baldwin stated it needed to be noted and made clear for the record that Mr. Fulton is related to one of our City Commissioners.

Commissioner Hicks as if there were any further discussion, seeing none asked for a vote.

**A ROLL CALL VOTE WAS TAKEN: ALL IN FAVOR ; NONE OPPOSED MOTION APPROVED.**

7. **Old Business:** None

8. **New Business:**

Commissioner Stetler stated he would like to have some discussion in the future regarding the zoning structure for residential properties. Noted that he would like to look at possibly having it tiered the same as the city has for commercial zones. That there are many non-conforming residential properties that cannot receive financing and said the downtown is also having this problem. Stated if they can make some changes to take care of this problem it would be an opportunity to do some good. Commissioner Stetler asked that the Planning Department draft something and have it put on a future meeting agenda.

Commissioner Morris stated he was glad Commissioner Stetler brought this up and that he is also in support.

9. **Comments by the Public:** None

10. **Comments by the Staff and Commission Members:**

Commissioner Frantz asked regarding the Meeting Rules of Order document that was included in their meeting packet; noted the rules stated that a main motion cannot be amended, and that she needs to understand this better?

Commissioner Scheinfield discussed the flow of motions.

Ms. Jill Steele stated the Roberts Rules of Order is to be followed and have never been overturned from not following them.

Commissioner Morris stated you need to have the ability to amend a motion.

Ms. Christine Hilton stated the sheet provided was previously given to Ms. Eileen Wicklund, City Attorney from Commissioner Godfrey and that it was requested at the last meeting.

Commissioner Hicks stated he was thankful for the Cell Tower information.

11. **Adjournment:**

The meeting adjourned at 4:23 P.M.

Respectfully Submitted,



Christine M. Hilton, AICP  
Executive Secretary  
Planning Commission